



**US Army Corps
of Engineers
Louisville District**

Public Notice

Public Notice No.
200400418

Date:
24 May 04

Closing Date:
22 Jun 04

Please address all comments and inquiries to:
U.S. Army Corps of Engineers, Louisville District
ATTN: Mr. Greg McKay, CELRL-OP-FS
P.O. Box 59
Louisville, Kentucky 40201-0059

Phone: (502) 315-6685

This notice announces an application submitted for a modification to Department of the Army (DA) Permit Number 199200556. This modification request is subject to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA).

APPLICANT: North American Stainless
6870 Highway 42 East
Ghent, Kentucky 41045

LOCATION: Left bank of the Ohio River at Mile 539.5, at the
Ghent, Kentucky facility adjacent to 6870 Highway 42
East, Ghent, Carroll County, Kentucky.

Latitude: 38-43-35.1471
Longitude: 85-04-52.2650
7.5 Minute Quad: Vevay South, IN-KY

PURPOSE: To expand the barge fleeting area for both loaded and
empty barges

DESCRIPTION OF WORK: The applicant proposes to expand the existing barge fleeting area by extending it 400 feet (two barge lengths) up river and 600 feet (three barge lengths) down river. Additionally, the applicant is proposing to extend 70 feet riverward of the existing barge fleeting area to accommodate 15 more empty barges and 30 more loaded barges. A total of 54 barges could be fleeted at this facility upon completion of the proposed expansion. To facilitate with the securing arrangement of the proposed additional barges, two mooring cells and three breasting dolphins would be constructed. Approximately 13 cubic yards of concrete and 585 cubic yards of sand and/or aggregate fill would be placed below the Ordinary High Water Mark (OHWM) of the river to construct each mooring cell. Each of the proposed dolphins would be filled with 45 cubic yards of concrete placed below the OHWM. The maximum riverward projection at normal pool would be 210 feet.

REVIEW PROCEDURES: A DA Permit cannot be issued if any legally required Federal, State, or local authorization or certification is denied. A DA Permit, if otherwise warranted, will not be issued until a State of Kentucky Water Quality Certification or waiver is on file at this office. In order to comply with Section 401 of the Clean Water Act, the applicant, by this notice, hereby applies for State certification from the Kentucky Natural Resources and Environmental Protection Cabinet Division of Water (KDOW).

Copies of this notice are sent to the appropriate Federal and State Fish and Wildlife Agencies. Their views and comments are solicited in accordance with the Fish and Wildlife Coordination Act of 1956. Based on available information, the proposed activity will not destroy or endanger any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. A request for a public hearing must state the specific interest that might be damaged by issuance of the DA Permit.

The National Register of Historic Places has been examined, and it has been determined that there are no properties currently listed on the Register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archaeological, scientific, pre-historical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetic values, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and in general, the needs and welfare of the public. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines (40 CFR Part 230) promulgated by the Administrator, United States Environmental Protection Agency, under authority of Section 404(b) of the CWA.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest

Operations Division
Regulatory Branch (South)
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factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written statements received in this office on or before the closing date will become a part of the official record and will be considered in the determination on this permit request. Any objections that are received during this period will be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. A permit will be granted unless its issuance is found to be contrary to the public interest.

Information pertaining to this application is available for public examination during normal business hours upon prior request. All comments regarding this proposal should be addressed to Mr. Greg McKay, CEORL-OP-FS at the address noted above and should refer to the Public Notice Number 200400418.